

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

KANNUU PTY LTD.

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD., and
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

CIVIL ACTION NO. 1:19-cv-4297-ER

**DECLARATION OF LEWIS E. HUDNELL, III IN SUPPORT OF PLAINTIFF
KANNUU'S OPPOSITION TO SAMSUNG'S MOTION TO STAY PENDING *INTER*
PARTES REVIEW**

I, Lewis E. Hudnell, III declare and state the following:

1. I am Special Counsel to Progress LLP, counsel for Kannuu, and I am admitted to the Bar of this Court. I have personal knowledge of the facts in this declaration, and if called as a witness, I could and would testify competently regarding those facts.
2. Attached as Exhibit 1 to my declaration is a true and correct copy of the Petition for *Inter Partes* Review of U.S. Patent No. 9,697,264 filed in Case No. IPR2020-00736 before the U.S. Patent and Trademark Office Patent Trial and Appeal Board ("PTAB").
3. Attached as Exhibit 2 is a true and correct copy of the Petition for *Inter Partes* Review of U.S. Patent 9,436,354 filed in Case No. IPR2020-00737 before the PTAB.
4. Attached as Exhibit 3 is a true and correct copy of the Petition for *Inter Partes* Review of U.S. Patent 8,370,393 filed in Case No. IPR2020-00738 before the PTAB.
5. Attached as Exhibit 4 is a true and correct copy of the Petition for *Inter Partes* Review of U.S. Patent 8,996,579 filed in Case No. IPR2020-00739 before the PTAB.

6. Attached as Exhibit 5 is a true and correct copy of the Petition for *Inter Partes* Review of U.S. Patent 8,676,852 filed in Case No. IPR2020-00740 before the PTAB.

7. Attached as Exhibit 6 is a true and correct copy of the Patent Owner's Corrected Preliminary Response filed in Case No. IPR2020-00736 before the PTAB.

8. Attached as Exhibit 7 is a true and correct copy of the Patent Owner's Corrected Preliminary Response filed in Case No. IPR2020-00737 before the PTAB.

9. Attached as Exhibit 8 is a true and correct copy of the Patent Owner's Corrected Preliminary Response filed in Case No. IPR2020-00738 before the PTAB.

10. Attached as Exhibit 9 is a true and correct copy of the Patent Owner's Corrected Preliminary Response filed in Case No. IPR2020-00739 before the PTAB.

11. Attached as Exhibit 10 is a true and correct copy of the Patent Owner's Corrected Preliminary Response filed in Case No. IPR2020-00740 before the PTAB.

12. Attached as Exhibit 11 is a true and correct copy of the Decision Denying Institution in Case No. IPR2020-00736 before the PTAB.

13. Attached as Exhibit 12 is a true and correct copy of the Decision Denying Institution in Case No. IPR2020-00739 before the PTAB.

14. Attached as Exhibit 13 is a true and correct copy of the Decision Denying Institution in Case No. IPR2020-00740 before the PTAB.

15. Attached as Exhibit 14 is a true and correct copy of the Decision Granting Institution in Case No. IPR2020-00737 before the PTAB.

16. Attached as Exhibit 15 is a true and correct copy of the Decision Granting Institution in Case No. IPR2020-00738 before the PTAB.

17. Attached as Exhibit 16 is a true and correct copy of the Patent Owner's Request for Rehearing filed in Case No. IPR2020-00737 before the PTAB.

18. Attached as Exhibit 17 is a true and correct copy of the Patent Owner's Request for Rehearing filed in Case No. IPR2020-00738 before the PTAB.

19. Attached as Exhibit 18 is a true and correct copy of email correspondence between Ted Sichelman of Progress LLP and the Director of the U.S. Patent and Trademark Office, regarding a request for Precedential Panel Review of the Board's Institution Decisions in Case Nos. IPR2020-00737 and IPR2020-00738 before the PTAB.

20. Attached as Exhibit 19 is a true and correct copy of emails from counsel for Samsung to counsel for Kannuu dated October 7, 2020 and October 9, 2020.

21. Attached as Exhibit 20 is a true and correct copy of an email from counsel for Samsung to counsel for Kannuu dated August 25, 2020.

22. Attached as Exhibit 21 is a true and correct copy of an excerpt of the transcript from the September 30, 2020 Initial Status Conference.

Under 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 13th day of November 2020, in Mountain View, California.

/s/ Lewis E. Hudnell, III
Lewis E. Hudnell, III